

108TH CONGRESS  
2D SESSION

# H. R. 4172

To amend title 38, United States Code, to codify certain additional diseases as establishing a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military, naval, or air service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2004

Mr. EVANS (for himself and Mr. MICHAUD) introduced the following bill;  
which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to codify certain additional diseases as establishing a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military, naval, or air service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CODIFICATION OF ADMINISTRATIVE ACTIONS**  
2 **RELATING TO PRESUMPTIONS OF SERVICE**  
3 **CONNECTION FOR VETERANS EXPOSED TO**  
4 **IONIZING RADIATION.**

5 (a) COVERED DISEASES.—Subsection (c)(2) of sec-  
6 tion 1112 of title 38, United States Code, is amended by  
7 adding at the end the following new subparagraphs:

8 “(Q) Cancer of the bone.

9 “(R) Cancer of the brain.

10 “(S) Cancer of the colon.

11 “(T) Cancer of the lung.

12 “(U) Cancer of the ovary.”.

13 (b) COVERED RADIATION-RISK ACTIVITIES.—Sub-  
14 section (c)(3)(B) of such section is amended by adding  
15 at the end the following new clause:

16 “(iv) Service in a capacity which, if performed  
17 as an employee of the Department of Energy, would  
18 qualify the individual for inclusion as a member of  
19 the Special Exposure Cohort under section 3621(14)  
20 of the Energy Employees Occupational Illness Com-  
21 pensation Program Act of 2000 (42 U.S.C.  
22 7384l(14)).”.

23 (c) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect as of March 26, 2002.

1 **SEC. 2. OFFSET OF VETERANS' DISABILITY COMPENSATION**  
2 **AND DEPENDENCY AND INDEMNITY COM-**  
3 **PENSATION FROM AWARDS UNDER RADI-**  
4 **ATION EXPOSURE COMPENSATION PROGRAM.**

5 (a) OFFSET IN LIEU OF FORFEITURE FROM DIS-  
6 ABILITY COMPENSATION.—Subsection (c) of section 1112  
7 of title 38, United States Code, is amended by adding at  
8 the end the following new paragraph:

9 “(4) A radiation-exposed veteran who receives a pay-  
10 ment under the provisions of the Radiation Exposure  
11 Compensation Act of 1990 (42 U.S.C. 2210 note) shall  
12 not be deprived, by reason of the receipt of that payment,  
13 of receipt of compensation to which that veteran is entitled  
14 by reason of paragraph (1), but there shall be deducted  
15 from payment of such compensation the amount of the  
16 payment under that Act.”.

17 (b) OFFSET IN LIEU OF FORFEITURE FROM DE-  
18 PENDENCY AND INDEMNITY COMPENSATION.—Section  
19 1310 of title 38, United States Code, is amended by add-  
20 ing at the end the following new paragraph:

21 “(c) A person who receives a payment under the pro-  
22 visions of the Radiation Exposure Compensation Act of  
23 1990 (42 U.S.C. 2210 note) shall not be deprived, by rea-  
24 son of the receipt of that payment, of receipt of depend-  
25 ency and indemnity compensation to which that person is  
26 otherwise entitled, but there shall be deducted from pay-

1 ment of such dependency and indemnity compensation the  
2 amount of the payment under that Act.”.

3 (c) EFFECTIVE DATE.—Paragraph (4) of section  
4 1112(c) of title 38, United States Code, as added by sub-  
5 section (a), shall take effect with respect to compensation  
6 payments for months beginning after March 26, 2002.  
7 Subsection (c) of section 1310 of such title, as added by  
8 subsection (b), shall take effect with respect to dependency  
9 and indemnity compensation payments for months begin-  
10 ning after March 26, 2002.

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